

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 864

An ordinance for the regulation of solid waste and recycling collection in the unincorporated portion of Multnomah County which falls within the City of Portland urban services boundary, to be administered by the City of Portland, repealing Ordinance No. 711, and declaring an emergency.

Multnomah County ordains as follows:

Section I. Findings

A. State law (ORS Chapters 459 and 459A) requires that local jurisdictions, including the City of Portland and Multnomah County, ensure the collection of solid waste and provide opportunity for recycling; it specifically authorizes joint city/county solid waste and recycling collection systems.

B. In 1986 the City of Portland and Multnomah County entered into an intergovernmental agreement whereby the County agreed by ordinance to adopt the City's solid waste and recycling collection ordinance (Portland City Code Chapter 17.102) for application in the unincorporated portion of Multnomah County which falls within the City of Portland urban services boundary, and the City agreed to administer the ordinance within the specified area.

C. On November 3, 1986, the County carried out its obligation by adoption of Ordinance No. 541. Subsequent amendments to the City solid waste and recycling collection ordinance required the

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County on November 6, 1992, to repeal Ordinance No. 541 and to enact in its place Ordinance No. 711.

D. Further amendments to the City solid waste and recycling collection ordinance require the County now to repeal Ordinance No. 711 and to enact this ordinance in its stead.

Section II. Repeal of Ordinance No. 711

Ordinance No. 711 is hereby repealed.

Section III. Adoption of City Code

Portland City Code Chapter 17.102 (Solid Waste & Recycling Collection), a copy of which is attached hereto as Exhibit A and is incorporated herein by reference, is hereby adopted as an ordinance of Multnomah County, subject to the following modifications:

A. References to "City" or "City of Portland" shall be construed as references to Multnomah County.

B. Pursuant to the terms of the intergovernmental agreement, a copy of which is attached hereto as Exhibit B, The ordinance shall apply only in the unincorporated portion of Multnomah County within the City of Portland urban services boundary.

C. The City shall administer the ordinance only in the specified area of unincorporated Multnomah County.

Section IV. Adoption of City Ordinance

Portland City Ordinance No. 170185 (to revise waste and recycling collection rates and charges) a copy of which is attached as Exhibit C and is incorporated herein by reference, is hereby adopted as an ordinance of Multnomah County, subject to the following modifications:

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1 A. References to "City" or "City of Portland" shall be  
2 construed as references to Multnomah County.

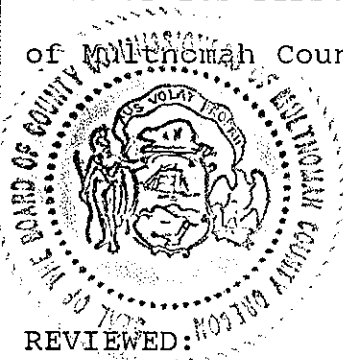
3 B. Pursuant to the terms of the intergovernmental agreement,  
4 a copy of which is attached hereto as Exhibit B, The ordinance  
5 shall apply only in the unincorporated portion of Multnomah County  
6 within the City of Portland urban services boundary.

7 C. The City shall administer the ordinance only in the  
8 specified area of unincorporated Multnomah County.

9 Section V. Emergency Clause

10 This ordinance, being necessary for the health, safety, and  
11 general welfare of the people of Multnomah County, an emergency is  
12 declared, and this ordinance shall take effect upon its execution  
13 by the County Chair, pursuant to Section 5.50 of the Charter of  
14 Multnomah County.

15 Approved this 1st day of August, 1996, being the  
16 date of its first reading before the Board of County Commissioners  
17 of Multnomah County, Oregon.



MULTNOMAH COUNTY, OREGON

18 By Don Saltzman  
19 Dan Saltzman, Vice-Chair  
20

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23 LAURENCE KRESSEL, COUNTY COUNSEL  
for MULTNOMAH COUNTY, OREGON

24 By John S. Thomas  
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designated under Chapter 3.12 of this Code.

#### **17.100.050 Penalty for Violation.**

Any person violating any of the provisions of this Title shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment for a period not exceeding 6 months, or by both such fine and imprisonment. In the event that any provision of this Title is violated by a firm or corporation, the officer or officers or person or persons responsible for the violation shall be subject to the penalty herein provided.

#### **Chapter 17.102**

#### **SOLID WASTE & RECYCLING COLLECTION**

(New Chapter substituted by Ord.  
No. 164916 and by Ord. No. 165001,  
January 23, 1992.)

#### **Sections:**

- 17.102.010 Declaration of Policy.
- 17.102.020 Definitions.
- 17.102.030 Authority of Director to Adopt Rules.
- 17.102.040 Residential Collection Franchise Required.
- 17.102.042 Exceptions to Residential Franchise Requirement.
- 17.102.045 Penalties for Unauthorized Collection of Recyclable Material.
- 17.102.050 Franchise Administration.
- 17.102.060 Franchise Size Limitation.
- 17.102.070 Forfeiture and Replacement.
- 17.102.080 Residential Recycling Service Delivery.
- 17.102.090 Residential Recycling Plans Required.
- 17.102.100 Reserved.
- 17.102.110 Residential Solid Waste and Recycling Rates and Charges.
- 17.102.115 Large Size Container Service to Residential Customers.

- 17.102.120 Commercial Collection Permit Required.
- 17.102.122 Exceptions to Commercial Collection Permit Requirement.
- 17.102.130 Reserved.
- 17.102.140 Commercial Collection Permit Application.
- 17.102.150 Reserved.
- 17.102.155 Commercial Tonnage Fee.
- 17.102.158 Divulging Particulars of Reports Prohibited.
- 17.102.160 Registration Required for Independent Commercial Recyclers.
- 17.102.170 Hazardous Waste Remedial Action Surcharge.
- 17.102.180 Businesses and Multifamily Complexes Required to Recycle.
- 17.102.190 Fees Credited to Refuse Disposal Fund.
- 17.102.200 Fees As A Debt, Enforcement and Collection.
- 17.102.210 Reserved.
- 17.102.220 Franchise System Evaluation.
- 17.102.230 Right of Appeal.
- 17.102.240 Purpose of Illegal Dumping Enforcement.
- 17.102.250 Prohibitions.
- 17.102.260 Penalties.
- 17.102.270 Reward.
- 17.102.280 Persons Authorized to Issue Notice of Civil Penalties.
- 17.102.290 Issuance of Warnings.
- 17.102.300 Notice of Civil Penalty.
- 17.102.310 Appeal to the Code Hearings Officer.
- 17.102.320 Collection of Penalties and Costs.
- 17.102.330 Required Collection of Solid Wastes.

**17.102.010 Declaration of Policy.**  
(Amended by Ord. No. 169103, July 19, 1995.)  
It is the policy of the City of Portland to reduce the amount of solid waste generated and disposed by promoting aggressive source

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reduction and recycling activities. City policy shall promote the development of environmentally sound practices regarding the collection, processing and end use of solid waste, recyclable material and compostable material. In order to attain these goals and protect public health and the environment, the City shall regulate collection of solid waste, recyclable material and yard debris within the City's Urban Services Boundary. In carrying out this policy, the goals of this Chapter are:

(1) To reduce the amount of solid waste generated, as measured on a per capita basis, by ten percent before 1997.

(2) To achieve a goal of a 60 percent recycling level from the solid waste stream by 1997, including residential and all other sectors.

(3) To ensure the safe and sanitary collection, transportation and recovery of solid waste, recyclable and yard debris materials.

(4) To provide Portland residents and businesses the opportunity to recycle more materials through convenient on-site, curbside and depot collection programs and through the addition of recyclable materials to the curbside collection program as appropriate.

(5) To establish and enforce solid waste, recyclable material and yard debris collection standards to ensure uniform, cost effective and high quality service delivery to all residential customers.

(6) To establish rates for residential waste collection which are fair to the public, encourage waste reduction, and promote safe, efficient collection.

(7) To promote community awareness in order to achieve the highest participation possible in the solid waste and recycling collection system.

(8) To enhance waste reduction and recycling in the multifamily, commercial, institutional and industrial sectors by ensuring that comprehensive recycling systems are provided at every establishment not covered by the residential franchise, and

that owners of the establishments encourage extensive use of those systems by all employees.

(9) To undertake research, studies and demonstration projects on developing more efficient, economical and effective methods of waste reduction, recycling and waste collection.

**17.102.020 Definitions.** (Amended by Ord. No. 165625, 166318, 166567, 166924, 167236, 168856, 169103; and 169817, Feb. 21, 1996.) For purposes of Chapter 17.102, and rules adopted thereunder, the following terms shall have the following meanings:

(1) "Administrative Rule" mean all rules promulgated under Section 17.102.030 of this Chapter.

(2) "Assessment" means a civil penalty assessed against a franchisee or permittee for an infraction.

(3) "Assigned Territory" means an area within the Urban Services Boundary of the City of Portland in which only a person designated by the City may collect solid waste and recyclable material from residential customers.

(4) "BES" or "Bureau" means the Bureau of Environmental Services of the City of Portland.

(5) "Business" is any commercial entity, including industrial and institutional, but not including multifamily customers.

(6) "Business Entity" means any person engaging in a commercial activity.

(7) "City" means the City of Portland and the area within the City Urban Service Boundary.

(8) "Collect" or collection includes transport or dispose of.

(9) "Commercial" means relating to an entity that is non-residential in nature or, if residential, consists of five or more dwelling units.

(10) "Commercial Collection" means the collection of solid waste and/or recyclable materials from:

(a) A non-residential source;

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(b) A multifamily residence of five or more units; or

(c) The self hauling of solid waste from five or more residential units.

(11) "Compensation" means and includes:

(a) Any type of consideration paid for service, including, without limitation, rent lease payments and any other direct or indirect provision of payment of money, goods, services or benefits by owners, tenants, lessees, occupants or similar persons;

(b) The exchange of services between persons; and

(c) The flow of consideration from the person owning or possessing the solid waste or recyclable material to the person providing the service or from the person providing the service to the person owning or possessing the solid waste or recyclable material.

(12) "Customer" means an entity that has contracted for garbage service to be provided by a commercial Permittee in exchange for compensation, excluding residential service covered by a Franchise. Where several businesses share garbage containers and service, "Customer" refers only to the entity that contracts for the service.

(13) "Depot" is an established area designated by an organization engaged in recycling where any person may deposit recyclable materials specified by that organization. Depots may not be mobile in nature.

(14) "Deposit" means to throw, lay down, place, put, or to let fall.

(15) "Director" is the Director of the Bureau of Environmental Services of the City of Portland, Oregon, or his or her duly authorized representative or agent.

(16) "Franchise" means a residential solid waste and recyclable material collection franchise awarded by Ordinance No. 164701, and as amended by subsequent ordinances.

(17) "Franchisee" means a business that has been awarded a franchise by

Ordinance No. 164701, and subsequent amending ordinances, within the Urban Services Boundary of the City of Portland, for the collection of residential solid waste and recyclable material, including yard debris. "Franchisee" includes any employees or other persons authorized to act on behalf of the Franchisee. "Franchisee" has a meaning identical to that of "grantee" as used in the Franchise Agreement. A "Franchisee" holds a single Franchise for service in any and all of its Franchise Territories, including any territories transferred from other Franchisees as approved by the Portland City Council, subsequent to Ordinance 164701.

(18) "Franchise Territory" means an area within the Urban Services Boundary of the City of Portland in which only a City designated hauler may collect residential solid waste and recyclable material, including yard debris, from residential customers. A single Franchisee may serve more than one Franchise Territory.

(19) "Generator" means an entity which uses the Solid Waste and Recycling collection service and containers arranged for by the "Customer".

(20) "Hazardous Waste" means solid waste that may, by itself or in combination with other waste, be infectious, explosive, poisonous, caustic or toxic, or otherwise dangerous or injurious to human, animal or plant life.

(21) "Independent Commercial Recycler" means a person who collects only Recyclable Material from non-Residential sources for the sole purpose of Recycling, and who does not collect Solid Waste.

(22) "Independent Recycler" means a Franchisee having 3,000 or more residential customers in the City as of February 28, 1991.

(23) "Infectious Waste" as defined in ORS 459, includes "Biological Wastes", "Cultures and Stocks", "Pathological waste", and "Sharps".

(24) "Infraction" means a failure to

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comply with Portland City Code Chapter 17.102 or the administrative rules promulgated thereunder.

(25) "Metro" means the intergovernmental agency responsible for regional solid waste management and planning in the Portland Metropolitan area.

(26) "Multifamily Complex" or "Multifamily" means any multidwelling building or group of buildings that contain(s) five dwelling units or more on a single tax lot, such as apartments, condominiums, mobile home parks, or houseboat moorages. Multifamily also includes certified or licensed residential care housing, such as adult foster care homes or group homes.

(27) "Permittee" means any person granted a Commercial Collection permit under Section 17.102.120 of this Chapter.

(28) "Person" means any individual, partnership, association, firm, trust, estate, a public or private corporation, a local government unit, a public agency, the state or any other legal entity.

(29) "Property" includes land and waterways.

(30) "Quick Form" is a type of Recycling Plan Form produced by the City, giving a specified list of materials which must be recycled by a specific type of Business.

(31) "Recyclable Material", "Recyclable" and "Recyclables" includes, but is not limited to, newspaper, scrap paper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, container glass, aluminum, tin cans, magazines, aseptic packaging, coated paper milk cartons, steel aerosol cans, plastic bottles, office paper, yard debris and other materials as may be designated by the City.

(32) "Recycling" means the series of activities including collection, separation, and processing, by which products or other materials are recovered from or otherwise diverted from the solid waste stream (1) for use in the form of raw materials in the manufacture of new products other than fuel and (2) in the case of source separated wood

waste which has no material use, for use as separated organics but not composting of mixed waste.

(33) "Recycling Plan Form" means the form provided by the City on which a Customer or Self-hauler makes a commitment to comply with the City's recycling requirement by specifying which materials they will recycle and by whom the materials will be collected.

(34) "Regular Basis" means occurring more than four times in a 365 day period.

(35) "Recycling District" means a business entity formed by franchisees for purposes of recycling collection under the Franchise Agreement, and having an approved plan as set forth in Section 17.102.090.

(36) "Residence" means any dwelling unit in the franchise territory that is a four-plex or smaller where at least 50 percent of the use of the building is residential, regardless of whether it has subscribed for waste collection, or has waste collection in individual cans, carts or containers. The term "residence" does not include any multi-dwelling building or group of buildings that contain(s) five dwelling units or more on a single tax lot, such as, condominiums, mobile home parks, or houseboat moorages nor does "residence" include certified or licensed residential care housing, such as adult foster care homes or group homes.

(37) "Resident" means any person living in a "Residence".

(38) "Self Haul," when used in reference to Solid Waste and/or Recyclables generated by a Commercial Entity, means the collection and transportation of material from a Commercial entity where an owner or employee or the entity hauls the material rather than hiring a Permittee or Independent Commercial Recycler to perform this function.

(39) "Self Haul" when used in reference to materials from a residential source, means the collection and transportation of a tenants' or homeowners' solid waste and/or recyclable material by the living unit owner or his or her direct employee, where the owner is

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not specifically compensated for the collection service.

(40) "Service" means the collection and transportation of solid waste and recyclable material by persons for compensation.

(41) "Solid Waste" has the meaning given in ORS 459.005, but not including the following materials which the ORS definition includes:

(a) Sewage sludge, septic tank and cesspool pumpings or other sludge;

(b) Discarded or abandoned vehicles;

(c) Recyclable material or yard debris which is source separated and set out for recycling purposes.

(42) "Source Separate" means that the person who last used recyclable material separated their recyclable material from solid waste and kept the Recyclable Material separate from Solid Waste.

(43) "Vehicle" includes any motor vehicle or trailer.

#### **17.102.030 Authority of Director to Adopt Rules.**

(1) The Director is hereby authorized to adopt rules, procedures and forms to implement the provisions of this chapter.

(2) Adoption of Rules.

(a) Any rule adopted pursuant to this section shall require a public review process. Not less than ten nor more than thirty days before such public review process, notice shall be given by publication in a newspaper of general circulation. Such notice shall include the place, time, and purpose of the public review process and the location at which copies of the full set of the proposed rules may be obtained.

(b) During the public review, a designee of the Director shall hear testimony or receive written comment concerning the proposed rules. The Director shall review the recommendation of his or her designee, taking into consideration the comments received during the public review process and shall

either adopt the proposal, modify or reject it. If a substantial modification is made, additional public review shall be conducted, but no additional notice shall be required if such additional review is announced at the meeting at which the modification is made. Unless otherwise stated, all rules shall be effective upon adoption by the Director and shall be filed in the Office of the Director.

(c) Notwithstanding paragraphs (2) and (3) of this section, an interim rule may be adopted without prior notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, including the specific reasons for such prejudice. Any rule adopted pursuant to this paragraph shall be effective for a period of not longer than 180 days.

#### **17.102.040 Residential Collection Franchise Required.** (Amended by Ord. No. 165625 and 169103, July 19, 1995.)

(1) No person may provide residential solid waste or recyclable material collection, including yard debris, within the Portland Urban Services Boundary without having obtained a franchise from the City, except as provided in 17.102.042 of this Chapter.

(2) Having obtained a franchise for residential solid waste and recyclable material collection from the City, no person shall provide or offer to provide such collection in an area within the Portland Urban Services Boundary other than the assigned territory for which the franchise was issued.

(3) No person shall accumulate, store, collect, transport, dispose of or resource recover solid waste or recyclable material except in compliance with this chapter, other city ordinances, and Chapters 459 and 459A, Oregon Revised Statutes, dealing with solid waste management and regulations and amendments promulgated under any of the foregoing.

(4) Nothing in this section shall



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prohibit the City from withdrawing certain solid waste or recyclable material services by amendment to this section on the basis of finding that such change is appropriate.

(5) No person other than the City Approved Recycler may remove recyclable material that is set out in or next to a City provided residential yellow recycling bin set out at a Residence. For purpose of this subsection, "Approved Recycler" means a business entity that has received City approval of its recycling plan for an assigned Franchise territory. "Approved Recycler" includes any employees or other persons authorized to act on behalf of the Approved Recycler.

**17.102.042 Exceptions to Residential Franchise Requirement.**  
(Amended by Ord. No. 169103, July 19, 1995).

(1) A franchise is not required for the collection or transportation of residential solid waste and recyclable materials by the following persons:

(a) Persons transporting solid waste or recyclable material collected outside the City;

(b) Organizations which have been granted non-profit tax status by the federal government or who are organized as non-profit corporations in accordance with ORS Chapter 61 and who collect Residential recyclable materials or yard debris without charge to the generator of that recyclable materials or yard debris.

(c) A contractor employed to demolish, construct or remodel a building or structure, including, but not limited to, land clearing operations and construction wastes, when collecting or transporting wastes created in connection with such employment;

(d) Landscapers, gardeners, tree service contractors, janitors or renderers when collecting or transporting wastes created in connection with such employment;

(e) Persons collecting and transporting waste produced by that person, or the waste produced by four or fewer

residences total. For purposes of this Section, solid waste produced by a tenant, licensee, occupant or similar person is produced by that person and not by the landlord;

(f) Persons collecting or transporting only waste tires under a valid waste tire storage or carrier permit pursuant to OAR Chapter 340.

(g) Persons transporting only reusable beverage containers as defined in ORS 459A;

(h) Federal or state agencies that collect, store, transport and dispose of solid waste or those who contract with such agencies to perform the service, but only insofar as the service is performed by or for such agencies; and

(i) Persons exclusively collecting recyclable materials from non-residential sources.

(2) An organization is not required to have a franchise for the acceptance, storage or transportation of recyclable materials if those materials are accepted and stored at a depot or depots which accept recyclable material without a charge to the generator of that recyclable material.

**17.102.045 Penalties for Unauthorized Collection of Recyclable Material.** (Added by Ord. No. 168855 and 169103, July 19, 1995.)

(1) Penalty Amounts:

(a) Persons found in violation of Sections 17.102.040(5) or 17.102.120 (5) are subject to a civil penalty of up to \$500.

(b) A second violation of these Sections by the same person shall be subject to a civil penalty of up to \$750.

(c) Third and subsequent violations of these Sections shall be subject to civil penalties of up to \$1000.

(d) Civil penalties under these Sections may be assessed for violations per day or per occurrence.

(2) The following criteria shall be considered in determining the amount of any civil penalty to be assessed under this Section:

(a) The nature and extent of the

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person's involvement in the violation;

(b) Whether the person was seeking any benefits, economic or otherwise, through the violation;

(c) Whether the violation was isolated and temporary, or repeated and continuous;

(d) The magnitude and seriousness of the violation

(e) The costs of investigation and remedying the violation;

(f) Whether any criminal prosecutions have occurred in regard to the violations; and

(g) Any other relevant, applicable evidence bearing on the nature and seriousness of the violation.

### 17.102.050 Franchise

**Administration.** Notwithstanding provisions of Title 3.114.020, the Bureau of Environmental Services shall be responsible for administration of all residential solid waste and recyclable material collection franchises.

### 17.102.060 Franchise Size Limit.

(1) No franchisee shall service more than 50,000 residential customers.

(2) No franchisee shall be a subsidiary corporation of another franchisee.

**17.102.070 Forfeiture and Replacement.** (Added by Ord. No. 167236, Dec. 16, 1993.)

(1) In the event that the Director of the Bureau finds grounds for declaring a forfeiture, according to the terms of the franchise awarded by Ordinance No. 164701, and as amended by subsequent ordinances, the Bureau shall make a recommendation for Council action on the matter, following procedures specified in the Bureau's adopted rules.

(2) In preparing for the transfer of a forfeited franchise to another party, the Bureau shall solicit applications from current

franchisees and from other parties who have given a written notice of their interest following a public notification. The Bureau shall determine the applicants' qualifications to assume the franchise responsibilities. The Bureau is authorized then to use a lottery in selecting among qualified applicants. In addition, the Bureau is authorized to conduct an appraisal of the value of the forfeited franchise. The lottery winner(s) shall then be offered the opportunity to purchase the franchise from the City within a specified time period at the appraised value.

(3) In cases where a franchisee abruptly ceases to provide service, and there is insufficient time to conduct an appraisal and permanently transfer a franchise, the Bureau is authorized to recommend that the Council appoint a temporary service provider. If the Council makes such an appointment, it may also guarantee a minimum level of revenue to that company, in order to encourage companies who would not otherwise be willing to assume this responsibility on a short term basis. Such minimum level of revenue would be achieved by the City's supplementing revenues received by the temporary service provider from its temporary customers.

### 17.102.080 Residential Recycling Service Delivery.

(1) Residential recycling collection shall be performed by either an Independent Recycler or a Recycling District.

### 17.102.090 Residential Recycling Plans Required.

(1) Independent Recyclers and Recycling Districts must receive City approval of Recycling Collection and Processing Plans prior to initiation of service.

(2) Recycling Collection and Processing Plans shall be submitted on forms provided by the City and shall include, at a minimum, the following information:

(a) Number of residential households

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in service area;

(b) Description of recycling collection equipment;

(c) Address and City zoning classification of processing/storage sites;

(d) Description of processing and storage activities;

(e) List of markets where each recyclable material will be sold;

(f) List of the number of staff, their positions and FTE for each;

(g) Address and phone number of office;

(h) Cost of recycling collection and processing equipment, the financial institution used and type of financing obtained; and

(i) Other relevant information deemed necessary by the Bureau.

(3) The Bureau shall review each submitted Recycling Collection and Processing Plan to determine if the plan sets out reasonable means and methods to deliver high quality recycling to City residents, and which are capable of meeting Administrative Rule standards for residential recycling service delivery. Independent Recyclers and Recycling Districts shall be notified in writing by the City as to the acceptability of their plans and any recommended modifications if approval is not given.

(4) Failure to receive City approval of a plan shall result in denial of the City's permission to provide recycling collection service and the appointment of another firm by the City to provide recycling collection service.

**17.102.100 Reserved.**

**17.102.110 Residential Solid Waste and Recycling Rates and Charges.** (Amended by Ord. No. 165625, Aug. 1, 1992.) For all service levels of franchised residential service collection, rates and charges shall be as set forth in Figure 6 published at the end of Title 17.

**17.102.115 Large Size Container Service to Residential Customers.** (Added by Ord. No. 165625 and 169103, Aug. 18, 1995.)

(1) Any residential putrescible waste collected in containers exceeding two yards capacity, by a Commercial Permittee or Franchisee collecting outside the Franchisee's territory, shall be tipped within seven days of the empty container being placed at the residence.

(2) Commercial Permittees are prohibited from providing collection of any putrescible waste on a Regular Basis to residential customers without the express written permission of the Franchisee in whose territory the collection would be occurring.

(3) Franchisees are prohibited from providing containers larger than two yards on a regular basis to residential customers outside their franchise territory.

**17.102.120 Commercial Collection Permit Required.** (Amended by Ord. No. 169103, July 19, 1995.)

(1) No person shall provide commercial collection of solid waste and recyclable material within the City without having obtained an annual commercial collection permit from the Bureau of Environmental Services, except as provided in Section 17.102.122. Permits shall be issued for the year beginning July 1 and ending June 30.

(2) Permittees must comply with Administrative Rules promulgated under Section 17.102.030, including provision of recycling collection to all who receive collection of solid waste.

(3) Under ORS 459A.070 permittees may charge a person who source separates recyclable material - and makes it available for reuse or recycling - less, but not more, for collection and disposal of solid waste and collection of recyclable material than the collection service charges a person who does not source separate recyclable material.

(4) Any person who provides

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commercial collection of solid waste within the City without a current commercial collection permit from BES shall be subject to a civil penalty of up to \$500 per day.

(5) No person who is not authorized by the Customer may remove recyclable material that is set out by the Customer for recycling.

(6) As provided in Section 29.20.140(D) of the City Code, owners of Multifamily rental dwellings may not Self-haul Solid Waste generated by their tenants, but must contract for waste collection services from a Permittee.

**17.102.122 Exceptions to Commercial Collection Permit Requirement.** (Added by Ord. No. 169103, July 19, 1995.) A commercial collection permit is not required for the collection or transportation of commercial solid waste and recyclable materials by the following persons:

(1) Persons transporting solid waste or recyclable material collected outside the City;

(2) A contractor employed to demolish, construct or remodel a building or structure, including, but not limited to, land clearing operations and construction wastes, when collecting or transporting wastes created in connection with such employment;

(3) Landscapers, gardeners, tree service contractors, janitors or renderers when collecting or transporting wastes created in connection with such employment;

(4) Persons collecting or transporting only waste tires under a valid waste tire storage or carrier permit pursuant to OAR Chapter 340.

(5) Persons transporting only reusable beverage containers as defined in ORS 459A;

(6) Federal or state agencies that collect, store, transport and dispose of solid waste or those who contract with such

agencies to perform the service, but only insofar as the service is performed by or for such agencies; and

(7) Persons exclusively collecting recyclable materials.

**17.102.130 Reserved.**

**17.102.140 Commercial Collection Permit Application.** (Amended by Ord. No. 166561 and 169103, July 19, 1995.) Applications for commercial collection permits shall be made to the Bureau of Environmental Services on forms provided by the Bureau. The application shall include:

(1) The name, street and mailing address, and business telephone number of the applicant;

(2) Applicant business ownership information, responsible official and contact person;

(3) City of Portland Business License number;

(4) Motor vehicle registration and PUC number of all solid waste collection vehicles, recycling collection vehicles and drop box transport vehicles to be operated under the permit;

(5) Commercial recycling information which may include:

(a) Description of recycling collection equipment;

(b) Address and City zoning classification of processing/storage sites;

(c) Description of processing and storage activities; and

(d) List of markets where each recyclable material will be sold.

(6) Any other relevant information deemed necessary by the Director.

(7) An application fee of \$60.

**17.102.150 Reserved.**

**17.102.155 Commercial Tonnage**

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**Fee.** (Amended by Ord. No. 165625, 166561, 168081; and 169103, July 19, 1995.)

Commercial permittees shall, when invoiced quarterly by the Bureau of Environmental Services, pay a tonnage fee to the City. Fees shall be assessed up to \$3.15 per ton of commercial solid waste collected within the City and deposited in disposal facilities authorized by the Metropolitan Service District. Payments shall be made within 30 days of the invoice date of billing. Interest shall be charged on invoices not paid within 30 days of the date of the invoice. Interest shall accrue at 1-1/2% on unpaid balances 30 days after the date of invoice, compounded daily from the due date.

**17.102.158 Divulging Particulars of Report Forms Prohibited.** (Amended by Ord. No. 168081 and 169103, July 19, 1995.) Except as otherwise required by law, it shall be unlawful for the Bureau or any officer, employee, or agent, to divulge, release, or make known in any manner any information submitted or disclosed to the City under terms of Sections 17.102.155 or 17.102.170. Nothing in this Section shall be construed to prohibit:

(1) The disclosure of the names and addresses of any persons to whom permits have been issued; or

(2) The disclosure of general statistics in a form which would prevent the identification of financial information regarding any individual permittee.

**17.102.160 Registration Required for Independent Commercial Recyclers.** (Added by Ord. No. 169103, July 19, 1995 effective Jan. 1, 1996).

(1) No person shall provide service as an Independent Commercial Recycler within the City without having registered with the Bureau of Environmental Services, by providing the Bureau with a copy of their City of Portland Business License, or with their Business License number.

(2) Any person who provides service

as an Independent Commercial Recycler within the City without having so registered with the City shall be subject to a civil penalty of up to \$500 per day.

(3) All Independent Commercial Recyclers shall report quarterly to the Bureau on the amounts of recyclables collected in the City, on forms provided by the Bureau.

**17.102.170 Hazardous Waste Remedial Action Surcharge.** (Amended by Ord. No. 165625, and 161081, Sept. 7, 1994.)

(1) The purpose of this Section is to establish a Hazardous Waste Remedial Action Surcharge (surcharge) to be used for conducting remedial actions related to formerly City operated disposal sites for which the City is liable under the law and to implement the requirements of ORS 459.311. The surcharge will be imposed on all persons who dispose of solid waste collected within the City limits. The surcharge shall be dedicated to paying for remedial action costs. Remedial action costs also includes the cost of relieving debt incurred in conjunction with a remedial action, administrative costs and an increment to cover any delinquencies in collection. This surcharge shall be within the limits established by state law.

(2) Definitions.

(a) "Class of service" means:

(i) The unit of measurement used to define the type of solid waste collection service purchased by customers of solid waste collectors, such as one can per week service, two can per week service, mini-can service, roller-cart service, dumpster service, etc.; and

(ii) The unit of measurement used to define charges for disposal of solid waste at a solid waste disposal site, such as one car load, one pickup truck load, etc.

(b) "Remedial action" means those actions consistent with a permanent remedial action taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of a hazardous substance so that it

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does not migrate to cause substantial danger to present or future public health, safety, or the environment. "Remedial action" includes, but is not limited to:

(i) Such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of released hazardous substances and associated contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, on site treatment or incineration, provision of alternative drinking and household water supplies, and any monitoring reasonably required to assure that such actions protect the public health, safety, welfare and the environment.

(ii) Off site transport and off site storage, treatment, destruction or secure disposition of hazardous substances and associated contaminated materials.

(iii) Such actions as may be necessary to monitor, assess, evaluate or investigate a release or threat of release.

(c) "Remedial action costs" means reasonable costs which are attributable to or associated with a removal or remedial action at a facility, including but not limited to the costs of administration, investigation, legal or enforcement activities, contracts and health studies. Remedial costs also include the cost of retiring debt incurred in conjunction with a remedial action, administrative costs and an increment to cover any delinquencies in collection.

(d) "Solid waste collector" means any person who is subject to a franchise license or permit granted by the City to collect solid waste within the City.

(e) "Solid waste disposal site" means land and facilities used for the disposal, handling or transfer of or resource recovery from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge

treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, resource recovery facilities, incinerators for solid waste delivered by the public or by a solid waste collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site; but the term does not include a facility subject to the permit requirements of ORS 468.740; a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a solid waste collection service; or a site operated by a wrecker issued a certificate under ORS 822.110.

(f) "Surcharge" means a charge added to the current charge.

(3) Amount of surcharge. The surcharge may be based on weight or volume of solid waste and shall be \$0.20 per cubic yard if measured by volume or \$1.50 per ton if measured by weight.

(4) Applicability of surcharge. The surcharge shall apply to solid waste collected or disposed of within the City after January 31, 1991 and shall continue until the applicable remedial action costs have been paid. In the event the City sets uniform solid waste collection rates for waste collected within the City limits, the surcharge shall be included in the rates.

(5) Collection of surcharge.

(a) Each solid waste collector shall bill his or her customers in proportion to the weight or volume of solid waste collected from each customer. Where the City has not set a waste collection rate each solid waste collector shall make reasonable estimates for the average weight or volume of solid waste associated with each class of service provided by that solid waste collector. Customers receiving each class of service shall be billed so that each customer pays the same amount

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of remedial action cost surcharge for each unit of solid waste generated, based upon the estimated weight or volume of solid waste associated with that customer's class of service.

(b) Where persons dispose of their waste without the services of a permitted or franchised solid waste collector, each owner of a solid waste disposal site shall make reasonable estimates of the average weight or volume of solid waste associated with each class of service provided to persons disposing of solid waste at that owner's solid waste disposal sites. Persons disposing of solid waste collected within the City limits shall be billed so that each person pays the same amount for each unit of solid waste disposed of, based upon the estimated weight or volume of solid waste associated with that person's class of service.

(c) Payment of surcharge. Each solid waste collector or owner of a solid waste disposal site, when invoiced by the City for a surcharge, shall remit the amount invoiced within 30 days the City's date of invoice. Interest rates shall be charged on invoice not paid within 30 days of the date of invoice. Interest shall accrue at 1-1/2 percent on the unpaid balance 30 days after the date of invoice, compounded daily from the due date. The collector of the surcharge may retain five percent of the surcharge to cover administrative costs. The remainder shall be remitted to the City.

(d) Responsibilities of surcharge collector. The collector of the surcharge shall provide such reports and accounting of proceeds of the remedial action costs surcharge as may be required by the Director of the Bureau of Environmental Services. The collector of the surcharge shall not be responsible for any shortage caused by the failure of a customer to pay charges for solid waste collection.

(e) Limits of the surcharge. The surcharge revenues shall be placed in an account dedicated to paying for remedial action costs approved by the Council. The

surcharge shall be within the limits established by state law.

**17.102.180 Businesses and Multifamily Complexes Required to Recycle.** (Added by Ord. No. 169103, July 19, 1995, effective Jan. 1, 1996).

(1) Requirement to Recycle.

(a) All Businesses within the City shall recycle their recyclable materials in compliance with Administrative Rules established by the Bureau of Environmental Services.

(b) All Multifamily Complexes within the City shall establish recycling systems, for their tenants' use, in compliance with Administrative Rules established by the Bureau of Environmental Services.

(c) For all building projects within the City where the total job cost (including both demolition and construction phases) exceeds \$25,000, the applicant for the Bureau of Buildings permit shall ensure that certain materials generated on the job site are recycled in compliance with Administrative Rules established by the Bureau of Environmental Services.

(2) City monitoring of compliance will be accomplished through Customers' and Self-haulers' completion of Recycling Plan Forms and City review of those forms, as well as through City inspection of onsite recycling and waste systems.

(3) Reporting Requirements. All Independent Commercial Recyclers and all Businesses or Multifamily Complexes which self-haul their recyclables, shall report to the City quarterly on the quantities of recyclables collected in the City, using forms provided by the Bureau.

(4) Any Business or any other Person may sell or exchange at fair market value its own recyclable materials which are source separated for reuse or recycling. This Chapter and any Administrative Rules promulgated hereunder are not intended to limit the ability of any Person to compete openly to provide recycling collection service to businesses

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within the City of Portland.

**17.102.190 Fees Credited to Refuse Disposal Fund.** (Amended by Ord. No. 166724, and 167236; Dec. 16, 1993.)

(1) All fees, civil penalties and interest received by the Bureau of Environmental Services with respect to solid waste collection or disposal shall be deposited with the City Treasurer and credited to the Refuse Disposal Fund.

(2) Such fees, civil penalties and interest and any other fees or charges collected by the Bureau of Environmental Services with respect to solid waste collection and disposal shall be used for administration, implementation and operation of solid waste and recycling programs. The Bureau may spend or apply such fees and charges to implement and administer solid waste and recycling policies approved by the Council.

(3) The proceeds from the City's sale of a forfeited franchise shall be deposited with the City Treasurer and credited to the Refuse Disposal Fund. Such proceeds shall be used to offset the City's costs of the process of replacing a franchisee, including its costs for providing any necessary temporary services, and to offset program costs to the public.

**17.102.200 Fees As A Debt, Enforcement and Collection.** (Amended by Ord. No. 166561, and 168081, Sept. 7, 1994.)

(1) All fees, penalties and interest imposed by this Chapter shall be a debt due and owing to the City of Portland and may be collected by civil action in the name of the City of Portland. In addition, the City may revoke or deny renewal of any commercial collection permit to permittees who have not paid commercial permit or tonnage fees or infraction assessments by the deadlines provided in this Chapter or in Administrative Rules adopted pursuant to this Chapter.

(2) Fee, penalties and interest shall

be enforced and collected by the Bureau of Environmental Services. The Bureau may waive or reduce any penalties for good cause, according to and consistent with written policies. The Director of the Bureau of Environmental Services may refer collection and enforcement to another City Agency.

#### **17.102.210 [Reserved]**

**17.102.220 Franchise System Evaluation.**

(1) On an annual basis, beginning January 1993, the Bureau shall prepare a report on the status and performance of the franchise collection system for the City Council. The report shall comment on progress toward achievement of the relevant goals stated in Section 17.102.010 of this Chapter, and in Bureau budget documents.

(2) Commencing at least five years prior to the expiration of the initial franchise term, the City Council shall evaluate the franchise system to determine if the system is achieving waste reduction, increased recycling, and cost-effective collection service. Such evaluation shall include an opportunity for public discussion and comment.

**17.102.230 Right of Appeal.** (Amended by Ord. No. 169103, July 19, 1995.)

Any person receiving a Notice of Assessment shall, within 15 calendar days of issuance of a written Notice of Assessment pay to the City the stated amount of the Assessment or request an appeal hearing a Code Hearings Officer in accordance with procedures set forth in Chapter 22 of the City Code. The filing of an appeal of an Assessment shall stay the effective date of the Assessment until the appeal is determined by the Code Hearings Officer. If, pursuant to said appeal hearing, a payment of Assessment is ordered, such payment must be received by the City or postmarked within 15 calendar days after the order becomes final.

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**17.102.240 Purpose of Illegal Dumping Enforcement.** (Added by Ord. No. 169817, Feb. 21, 1996.)

(a) To reduce the Solid Waste collection costs to residential and commercial customers caused by illegal dumping.

(b) To coordinate with various City Bureaus who find evidence about the identify of illegal dumpers in Solid Wastes collected on private and public property.

(c) To actively cooperate with Metro in carrying out the provisions related to illegal dumping in the Regional Solid Waste Management Plan.

**17.102.250 Prohibitions.** (Added by Ord. No. 169817, Feb. 21, 1996.)

A. No person shall transport or carry, or direct another person to transport or carry, any solid waste or recyclable material in or on a vehicle unless the solid waste or recyclable material is:

1. Completely covered on all sides and on the top and bottom and the cover is securely fastened to the body of the vehicle; or

2. Contained in the body of the vehicle in such a way as to prevent any part of the solid waste or recyclable material from being deposited upon any property, road, right-of-way or driveway within the City of Portland.

B. No person shall deposit solid waste or recyclable materials, other than in receptacles provided for this purpose, upon the private property of another person without the permission of the owner or upon any public property other than at a Metro-designated facility.

(C) No person shall transport wastes from food processing or food wastes intended for use as animal feed or to be further processed except as provided in Subsection 8.36.070.

**17.102.260 Penalties.** (Added by Ord. No. 169817, Feb. 21, 1996.)

A. Any person who violates Subsection 17.102.250.A shall be subject to a civil penalty of not more than \$500 for each violation.

B. Any person who violates Subsection 17.102.250.B shall be subject to:

1. A civil penalty of not more than \$1,000 for each violation; and,

2. An award of costs to reimburse the City for actual expenses incurred by the City, limited to the following:

a. The administrative costs of investigation and enforcement; and,

b. Cleanup and disposal costs.

C. Notwithstanding Subsection B of this Section, the minimum penalty for any business entity violating Subsection 17.102.250 by illegally depositing solid waste determined to be in excess of 128 cubic feet shall be \$500. The maximum penalty shall be \$2000.

D. In calculating the amount of any civil penalty to be assessed under this Section, the Director shall consider the following criteria:

1. The extent and nature of the person's involvement in the violation;

2. The benefits, economic, financial, or otherwise, accruing or likely to accrue as a result of the violations;

3. Whether the violations were repeated and continuous, or isolated and temporary;

4. The magnitude and seriousness of the violation;

5. Whether the facts underlying the violation have been considered in a previous proceeding; and

6. Any other factors which the Director deems relevant.

E. The remedies provided by this ordinance are in addition to, not in lieu of, any other remedies available against a person alleged to have violated any provision of this Chapter. The City, or any person or governmental entity, may take any other authorized legal or equitable action necessary to abate a nuisance, impose criminal sanctions or collect damages, regardless of whether an action has been commenced under this Chapter. Violation of Section 17.102.250 is hereby declared to be a nuisance and subject

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to abatement or injunction as any other nuisance.

**17.102.270 Reward.** (Added by Ord. No. 169817, Feb. 21, 1996.)

A. The Director may adopt procedures for issuing rewards for information leading to the identification of persons engaging in illegal dumping. In no case shall the reward exceed \$500.

B. When determining the amount of the reward, the Director shall consider the following:

1. The usefulness of the information provided and the assistance in identifying the alleged violator;

2. The amount of solid waste deposited;

3. The kind of solid waste deposited;

4. Whether the violations were repeated and continuous, or isolated and temporary;

5. The magnitude and seriousness of violation; and

6. Any other factors which the Director deems relevant.

**17.102.280 Persons Authorized to Issue Notice of Civil Penalty.** (Added by Ord. No. 169817, Feb. 21, 1996.) The Director is hereby authorized to administer and enforce the provisions of this PCC 17.102 through PCC 17.102.330.

**17.102.290 Issuance of Warnings.** (Added by Ord. No. 169817, Feb. 21, 1996.)

A. The Director may issue a warning of an alleged violation under this Chapter based upon information tending to show a person has violated Section 17.102.250.

B. If issued, a warning notice shall be in writing and shall be delivered to the alleged violator in person or in any other manner reasonably calculated to give notice of

the violation, including but not limited to posting of the warning in a prominent location on the property or by United States first-class mail, postage prepaid.

C. The Director may issue cumulative notices and/or warnings in any sequence to a violator of Section 17.102.250.

**17.102.300 Notice of Civil Penalty.** (Added by Ord. No. 169817, Feb. 21, 1996.)

A notice of civil penalty shall be used for all violations to be enforced under this Chapter.

**17.102.310 Appeal to the Code Hearings Officer.** (Added by Ord. No. 169817, Feb. 21, 1996.)

A. The Notice of Civil Penalty shall be effective and final 15 days after the giving of notice. Any person who has been directed by the Director to pay a civil penalty may appeal the Director's action to the Code Hearings Officer of the City of Portland, as set out in Chapter 22.10 of this Code.

B. In any appeal before the Code Hearings Officer, a name found on several items of deposited solid waste shall constitute rebuttable evidence that the person whose name appears on the items has violated Section 17.102.250. The rebuttable presumption created by this subsection exists only when a name on items denotes ownership of the items, such as the name of an addressee on an envelope.

C. In any appeal before the Code Hearings Officer in which the Director has assessed civil penalties under Section 17.102.300, the City must prove by a preponderance of evidence that a person has violated the terms of Section 17.102.250.

**17.102.320 Collection of Penalties and Costs.** (Added by Ord. No. 169817, Feb. 21, 1996.)

A. Penalties and costs are payable

upon receipt of the final order imposing penalties and costs. Penalties and costs under this Chapter are a debt owing to the City and may be collected in the same manner as any other debt.

B. The City may initiate appropriate legal action in any court of competent jurisdiction to enforce the provisions of any written settlement or final order of the Hearings Officer.

**17.102.330 Required Collection of Solid Wastes.** (Added by Ord. No. 169817, Feb. 21, 1996.)

A. Any Person who owns and resides in that residence or Business who owns or rents their business property who receives a Notice of Warning or Notice of Civil Penalty under sections 17.102.290 or 17.102.300 or has been assessed a civil penalty under section 17.102.310 shall subscribe to and pay for the regular weekly collection of solid waste service by a refuse collection permittee as defined in Section 17.102 of the Code of the City of Portland. However, any Person who rents residential property shall be subject to the Housing Maintenance Regulations of Title 29 of the City Code.

B. Any Person or Business Entity who is required to provide such refuse collection shall provide for receptacles with a capacity sufficient to prevent the overflow of garbage and rubbish from occurring, into which solid wastes may be emptied for the storage between days of collection.

C. Any Person or Business who fails to subscribe for such solid waste service within 14 days of notice shall be subject to a civil penalty equal to the cost of the required container plus administrative costs.

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FIGURE 1 - (Section 17.12.020)

(Deleted by Ord. No. 163420 Sept. 29, 1990)

Permit For	Unit Fee	Minimum Each Permit
(1) Placement of bus shelter or rest station with no advertising use	---	No charge
(2) Community, parade or block party street closures	---	No charge
(3) Seasonal or parade decorations	---	No charge
(4) Placement of public litter receptacle	---	No charge
(5) Street uses established by the City Engineer and City Council to be of civic benefit and non-commercial in nature	---	No charge
(6) Construction or reconstruction of sidewalks and driveways	\$.27/sq. ft.	\$30.00
(7) Construction or reconstruction of curb	\$.37/lin. ft.	\$30.00
(8) Excavation for the construction, reconstruction, repair or abandonment of:		
(a) a main line, duct, conduit, subway, property service, lateral, etc. (Sewer connection more than 100 feet in length shall be deemed a public improvement under permit.)	\$.91/lin. ft.	\$91.00
(b) property service or lateral if not constructed in conjunction with (a) above and plan review not required.	\$51.00	\$51.00

FIGURE 2 - (Section 17.24.020)

(Amended by Ord. No. 166696, 167861, and 168944, effective July 1, 1995.)

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Permit For	Unit Fee	Minimum Each Permit
(9) Excavation for construction, reconstruction, repair or abandonment of:		
(a) utility vault or manhole chamber,	--	\$365.00
(b) underground storage tank	--	\$510.00/tank
(c) miscellaneous utility excavations	\$.91/sq. ft.	\$91.00
 (10) Placement, replacement, relocation or removal of a pole or private street light	 \$30.00	 \$30.00
(11) Drilling a test hole	\$91.00	\$91.00
(12) Temporary closure of any street or portion of a street	\$95.00	\$95.00
(13) Material blasting	---	\$166.00
(14) House and building moving:		
(a) Non-refundable permit application, investigation fee and issuance fee	---	\$170.00
(b) Inspection fee		
(15) Advertising benches:		
(a) Permit	---	\$20.00
(b) Annual Permit Renewal Fee	---	\$20.00
(c) Fee for bench removed by City for non- compliance with City Code -- Full cost incurred by the City for removal and storage of Bench.		
(16) Bike Racks		
(a) Permit	\$30.00	\$30.00
(b) Fee for bike rack removed by City for non- complaiance with City Code		Full cost incurred by the city for removal and storage of the rack.
(17) Mail Boxes (private, fore 1 and 2 faimily residence)	\$30.00	\$30.00
(18) Sewer connection fee (effective 7-1-83) connection to an existing lateral, or extension of lateral from sewer main to property line; sewer or lateral extension more than 100 feet in length shall be deemed a public improvement under permit	\$50.00	\$50.00

FIGURE 2 CONTINUED - (Section 17.24.020)

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Permit For	Unit Fee	Minimum Each Permit
(19) Building Plan Review		
(a) One or two family residential structure.	\$67.00	\$67.00
(b) Structures auxiliary to a one or two family residential dwelling unit submitted on a separate application.	\$67.00	\$67.00
(c) Commercial buildings (any structure other than those listed in A and B above).	\$110.00	\$110.00
(20) Any other excavation, construction, reconstruction, repair, removal, abandonment, placement or use of the street area	---	\$166.00
(21) Penalty fee. If work in the street area is commenced without first securing the proper permit, the fee shall be double that prescribed above, unless the City Engineer determines that it is not reasonably possible to obtain the permit before commencing such work. Payment of the permit fee, however, shall in no way relieve or excuse any permittee from any other penalties imposed on such violations.		
(22) Sewer tap fees. (effective 7-1-83)		
Tap or roll-in of wye, by City crew (all materials furnished by contractor)	\$80.00	\$80.00
(a) City inspection of Fowler Tap done by contractor	\$20.00	\$20.00
		<u>Deposit*</u>
(23) (Added by Ord. No. 160042 Aug. 20, 1987.)		
Application fee deposit for streets proposed for rename 10 and under City blocks:		\$ 500.00
Application fee deposit for streets proposed for rename over 10 City blocks:		\$1,000.00
*Auditor shall return any unused portion of deposit to applicant.		

FIGURE 2 CONTINUED - (Section 17.24.020)

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## SEWER USER SERVICE CHARGES AND RATES

	IN-CITY CUSTOMERS Effective Date 7/1/95	OUT-OF-CITY CUSTOMERS Effective Date 7/1/95
<b>RESIDENTIAL DWELLINGS SEWER SERVICE</b>		
	Rate Per 100 Cubic Feet of Water Consumption	Rate Per 100 Cubic Feet of Water Consumption
Sanitary Sewage Volume Rate	\$2.18	\$1.96
	Monthly Charge Per Account	Monthly Charge Per Account
Account Service	3.33	2.99
	Rate Per 1,000 Square Feet Per month	Rate Per 1,000 Square Feet Per Month
Impervious Area	2.19	N/A
	Dollars Per Month Per Single Family Residence	Dollars Per Month Per Single Family Residence
Average Rate	22.36	15.35
Low Income Discount	Discount Per Month	
Single Family Residential Customers Only	3.25	N/A
*Effective January 1, 1995		
<b>COMMERCIAL &amp; INDUSTRIAL</b>		
	Flat Charge Per Bill	Flat Charge Per Bill
Account Service Charge		
Monthly Accounts	9.62	8.65
Quarterly Accounts	21.97	19.77
Special Meter Charge	19.51	17.55
	Rate Per 100 Cubic Feet Water Consumption	Rate Per 100 Cubic Feet of Water Consumption
Sanitary Sewage Volume Rate	2.302	2.071
Clean Water Rates:		
Discharged directly or indirectly to a combined sewer	1.210	1.089
Discharged to a storm sewer not connected to a combined sewer	0.197	0.177
<b>INDUSTRIAL EXTRA-STRENGTH RATES</b>		
	Rate Per Pound	Rate Per Pound
Biochemical Oxygen Demand	0.335	0.301
Suspended Solids	0.328	0.295

FIGURE 3 - (Section 17.36.010) (Amended by Ord. No. 166574, 167692; and 168857, May 24, 1995.)

## SEWER USER SERVICE CHARGES AND RATES

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**DRAINAGE SERVICE CHARGE**

	Rate Per 1000 Square Feet Per Month	Rate Per 1000 Square Feet Per Month
Drainage Service	2.46	N/A
Account Service Charge - Monthly	3.67	N/A
Account Service Charge - Quarterly	5.85	N/A

FIGURE 3 - (Section 17.36.010) (Amended by Ord. No. 166574, 167692; and 168857, May 24, 1995.)



DWELLING UNIT EQUIVALENCIES

(Amended by Ord. No. 157197, 159085, 163001, 165622, 165654; and 166574, May 27, 1993.)

<u>OCCUPANCY</u>	<u>EQUIVALENT DWELLING UNIT</u>	<u>NUMBER PER</u>
Single Family Home	1	Each
Multiple Family Dwellings	1.25	Units
Motels and Transient Hotels	2	Rental Spaces
High Schools, Colleges and Universities	20	Students
Elementary Schools	40	Students
Full Service Restaurants	6	Seating Spaces
Hospitals and Institutions	2	Beds
Coin Operated Laundromats	1.25	Washers
Offices	2250	Net Square feet
Commercial and Industrial Buildings (Without Industrial Wastes)	9	Employees
All Other Structures/Uses	1000 Cubic Feet Per Month	

FIGURE 4 - (Section )

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SEWAGE SYSTEM CONNECTION CHARGES

Effective on July 1, 1995

CONNECTION CHARGE

Per Equivalent Dwelling Unit	\$1,280.00
Trunk Assessment Credit	\$ 319.00
Per Equivalent Dwelling Unit	

LINE CHARGE	\$ 0.529
Per Square Foot	

BRANCH CHARGE	\$ 1,431.00
Per branch used	

For Wye or Tee only	\$ 185.00
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**STORMWATER DEVELOPMENT CHARGE**

Class of Structure	Charge
Single family home	\$ 215.00
Duplex	215.00
Tri-plex	323.00
Four-plex	431.00
Commercial including multiple family dwellings with 5 or more units per 1,000 square feet	89.90

FIGURE 5 - (Amended by Ord. No. 168857, effective 6/23/95 )

(Amended by Ord. No. 166574 and 167692, May 25, 1994.)

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**Portland City Code Chapter 17.102**  
**FIGURE 6**

<b>Residential Solid Waste and Recycling Rates and Charges (Page 175)</b> (Effective July 1, 1995)				
	<b>Monthly Rate, Curbside Pickup</b>	<b>Per Unit or Per Pickup</b>	<b>Non-curb Surcharge</b>	<b>Excess Distance</b>
<b>SERVICE LEVEL</b>				
<b>Weekly Pickup - Cans</b>				
Minican (20 gal.)	14.50		3.00	1.00
One 32-gallon	17.20		3.00	1.00
Two 32-gallon	26.30		6.00	2.00
Three 32-gallon	32.70		9.00	3.00
Four 32-gallon	38.95		12.00	4.00
<b>Weekly Pickup - Rollcarts</b>				
One 32-40 gallon	18.30			
Two 32-40 gallon	28.75			
Three 32-40 gallon	36.55			
Four 32-40 gallon	43.75			
One 60 gallon	22.85			
Two 60 gallon	33.50			
Three 60 gallon	43.35			
Four 60 gallon	53.80			
One 90 gallon	27.85			
Two 90 gallon	43.20			
Three 90 gallon	58.50			
Four 90 gallon	73.75			
<b>Weekly Pickup - Containers</b>				
One 1.0 cubic yard				
One 1.5 cubic yard	62.20			
One 2.0 cubic yard	85.00			
	108.00			
<b>SPECIAL SERVICES - Yard Debris</b>				
<b>Yard Debris Rollcart (includes cart and every-other-week collection; one-year subscription required)</b>				
60-gallon rollcart	3.45			
90-gallon rollcart	4.15			
<b>Yard Debris -- Extra Can/Bag/Bundle</b>		1.00		
<b>SPECIAL SERVICES - Recycling</b>				
<b>Recycling only, weekly collection (no yard debris)</b>	3.15			

EXHIBIT A  
PAGE 24 OF 29

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**TITLE 17**  
**PUBLIC IMPROVEMENTS**

Residential Solid Waste and Recycling Rates and Charges (Page 176) (Effective July 1, 1995)				
	Monthly Rate, Curbside Pickup	Per Unit or Per Pickup	Non-curb Surcharge	Excess Distance
<b>SPECIAL SERVICES: Solid Waste</b>				
One 32-gal. can monthly (includes regular recycling and yard debris collection)	9.35		.75	.25
One 32-gal. can on-call (includes one recycling pickup, no yard debris)		6.00	.75	.25
Occasional Extra (can or bag)		4.50	.75	
Clean up containers One 1.0 cu.yd. One 1.5 cu.yd. One 2.0 cu.yd		37.00 54.20 73.75		
<b>Multifamily Special Services</b> Recycling per extra unit (see small multiplex rate sheet)  Non-curb can pickup  Non-curb rollcart pickup			3.00/can  6.00/cart	1.00/can  1.00/cart
<b>MISCELLANEOUS</b>				
Tires Up to 18" on the rim Up to 18" off the rim		4.75 2.00		
Special Pickup or Callback		7.50		
Roll cart Delivery		10.00		
Terrain Differential (See Figure 6-1) Weekly Solid Waste Monthly Solid Waste Weekly Recycling Only	1.70 1.00 .60			

Residential Solid Waste and Recycling rates and charges include recycling services as outlined in City Administrative Rules. If the need for a type of service arises that is not now foreseen or specifically covered by this rate schedule, then the charge for such service shall be:

1. Uniform and nondiscriminatory between customers of a collector;
2. Commensurate with the rates generally charged in the Portland Metropolitan Area;
3. Subject to approval by the City of Portland, Bureau of Environmental Services Director.

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

As used in Figure 6, the following terms have the meanings described below:

"Excess distance" is applicable to any collection beyond 75 feet from the curb. This charge is in addition to the "noncurbside surcharge."

"Can service" includes customer-provided containers that do not exceed 34 gallons capacity.

"Clean-up containers" include hauler-provided containers, which are provided as requested by the customer for occasional temporary use.

"Container service" includes hauler-provided containers ranging from 1.0 cubic yards to 2.0 cubic yards.

"Multifamily" means any multidwelling building or combination of buildings on a single tax lot in the residential franchise territory that contains 2 - 4 dwelling units.

"Non-curb surcharge" is the charge for collection service provided beyond curbside.

"Roll cart service" includes hauler-provided containers, with wheels, ranging from 32 gallon to 90 gallon capacity.

"Terrain differential" is applicable to services within the territory designated on Figure 6-1.

Figure 6 Continued

**TITLE 17**  
**PUBLIC IMPROVEMENTS**

Standard Curbside Monthly Rates -- Small Multiplexes  
Effective July 1, 1995

Weekly Collection for:	Duplex	Tri-plex	Four-plex
Single container service, where can/cart/container is shared by residents of 2, 3 or 4 units.			
One shared 32-40 gallon rollcart	20.45	N/A	N/A
One shared 60 gallon rollcart	25.00	27.15	N/A
One shared 90 gallon rollcart	30.00	32.15	34.30
One shared 1 cu.yd. container	64.35	66.50	68.65
One shared 1.5 cu.yd. container	87.15	89.30	91.45
One shared 2 cu.yd. container	110.15	112.30	114.45
Multiple containers. These rates apply where all cans/carts are placed together in a single location. Where unshared cans/carts are located separately, then each is considered a separate account, charged at single-family rate.			
Two 32 gallon cans	28.45	30.60	N/A
Three 32 gallon cans	34.85	37.00	39.15
Four 32 gallon cans	41.10	43.25	45.40
Two 32-40 gallon carts	30.90	33.05	35.20
Three 32-40 gallon carts	38.70	40.85	43.00
Four 32-40 gallon carts	45.90	48.05	50.20
Two 60 gallon carts	35.65	37.80	39.95
Three 60 gallon carts	45.50	47.65	49.80
Four 60 gallon carts	55.95	58.10	60.25
Two 90 gallon carts	45.35	47.50	49.65
Three 90 gallon carts	60.65	62.80	64.95
Four 90 gallon carts	75.90	78.05	80.20

Non-curbside service is available at small multiplexes for cans and rollcarts at an additional monthly charge of \$3 per can and \$6 per rollcart.

EXHIBIT A  
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**TITLE 17**  
**PUBLIC IMPROVEMENTS**

The terrain differential charge is applicable per account, rather than per unit, for services within the territory designated on Figure 6-1.

For yard debris services, extras accrue on a per account, rather than per unit, basis.

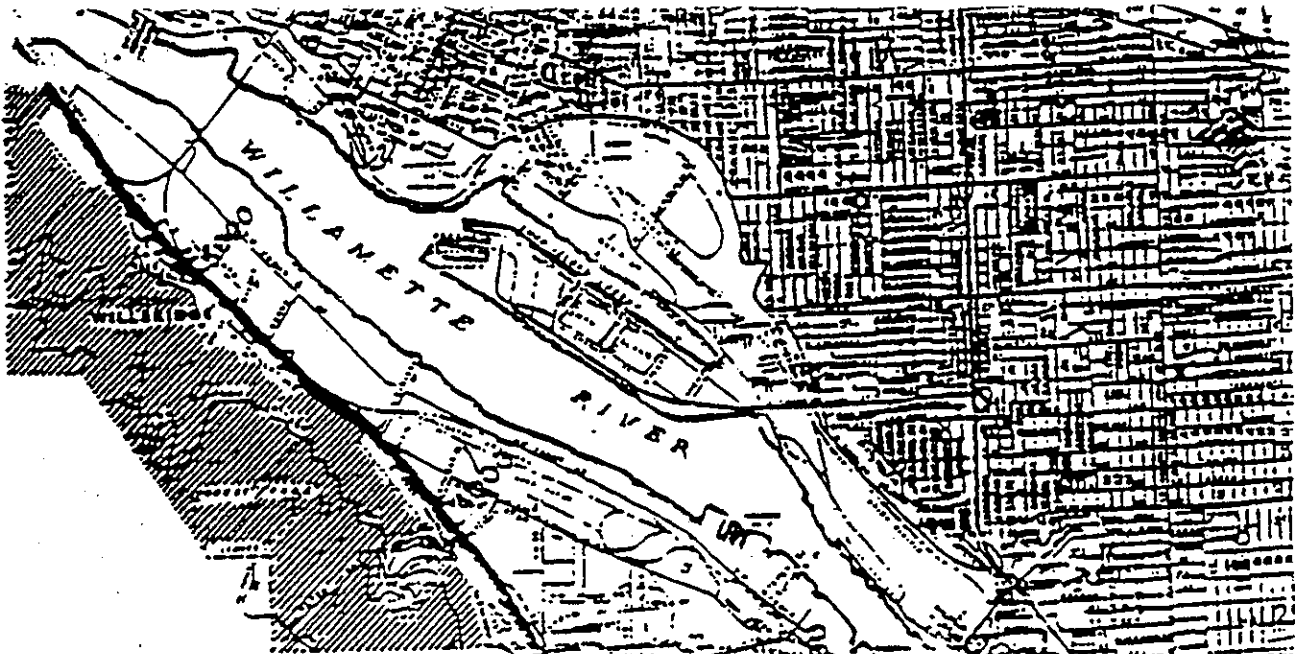


FIGURE 22 - Terrain Differential Area Map

BOUNDARY LINE FOR THE WEST SIDE MILL RATE IS AS FOLLOWS:

MILL RATE APPLIES TO ADDRESSES ON THE WEST SIDE OF HWY. 22 FROM ST. JOHNS BRIDGE SOUTH TO NW 21ST AVE.

FROM NW 21ST AVE. TO HIGHWAY 22 THE MILL RATE DOES NOT APPLY TO ADDRESSES ON THE BOUNDARY STREET; IT DOES APPLY TO ADDRESSES UPHILL FROM THE BOUNDARY STREET I.E., SOUTH OR WEST OF THE BOUNDARY STREET.

CONTINUING SOUTH ON NW 21ST AVE. TO NW WILSON ST.  
EAST ON NW WILSON ST. TO NW 20TH AVE.  
SOUTH ON NW 20TH AVE. TO NW VAUGHN ST.  
EAST ON NW VAUGHN ST. TO NW 20TH AVE.  
SOUTH ON 20TH AVE. TO NW THURMAN ST.  
EAST ON NW THURMAN ST. TO NW 20TH AVE.  
SOUTH ON 20TH AVE. TO NW RALPH ST.  
EAST ON NW RALPH ST. TO NW 19TH AVE.  
SOUTH ON NW 19TH ST. TO NW PETTYGROVE ST.  
EAST ON NW PETTYGROVE ST. TO NW 19TH AVE.  
SOUTH ON NW 19TH AVE. TO NW LOVEJOY ST.  
EAST ON LOVEJOY ST. TO NW 19TH ST.  
SOUTH ON NW 19TH AVE. TO NW KEARNEY ST.  
EAST ON NW KEARNEY ST. TO NW 18TH AVE.  
SOUTH ON NW 18TH AVE. TO NW WESTOVER RD.  
SOUTH ON NW WESTOVER RD. TO WEST BURNSIDE ST.  
EAST ON WEST BURNSIDE ST. TO SW 18TH AVE.  
SOUTH ON SW 18TH AVE. TO HWY. 22.

FROM HWY. 22 TO THE INTERSECTION OF SW RICHARDSON COURT AND MACADAM AVENUE, THE MILL RATE APPLIES TO ADDRESSES ON THE UPHILL (SOUTH OR WEST) SIDE OF THE BOUNDARY STREET.

EAST ON HWY. 22 TO 1405  
SOUTH ON 1405 TO SW MACADAM AVE.  
SOUTH ON SW MACADAM AVE. TO SW RICHARDSON CT.  
WEST ON SW RICHARDSON COURT TO SW CORRETT AVE.  
SOUTH ON SW CORRETT AVE. TO SW IDAHO ST.  
EAST ON SW IDAHO ST. TO SW VIRGINIA AVE.  
SOUTH ON SW VIRGINIA AVE. TO TAYLORS FERRY RD.  
EAST ON SW TAYLORS FERRY RD. TO SW MACADAM AVE.  
SOUTH ON SW MACADAM AVE. TO THE SELLWOOD BRIDGE.

CONTINUING SOUTH OF THE INTERSECTION OF RICHARDSON COURT AND MACADAM AVENUE, THE MILL RATE DOES NOT APPLY TO ADDRESSES FRONTING ON THE BOUNDARY STREET; NEITHER DOES IT APPLY TO ADDRESSES ON THE FOLLOWING DEAD END STREETS WEST OF SW CORRETT AVE.: SW IOWA, SW VIEWPOINT (FROM IOWA NORTH TO SW FIDOLSTON) ON THE DEAD END STREETS WEST OF SW VIRGINIA; SW VERMONT, SW FLORIDA, SW CALIFORNIA, SW TEXAS, SW NEVADA, AND SW MILES ST.



OCT 7 1986

INTERGOVERNMENTAL AGREEMENT  
TRANSFER OF SOLID WASTE AND RECYCLING  
COLLECTION SERVICE RESPONSIBILITIES

The CITY OF PORTLAND and MULTNOMAH COUNTY enter into this Agreement pursuant to the authority granted in Chapters 190 and 459 of the Oregon Revised Statutes. The purpose of this Agreement is to provide an integrated waste management system and to ensure recycling collection service for the unincorporated areas awaiting future annexations.

PARTIES TO THE AGREEMENT

The CITY OF PORTLAND is a municipal corporation organized and existing under the laws and constitution of the State of Oregon and is herein referred to as "the City."

MULTNOMAH COUNTY is a Home Rule political subdivision of the State of Oregon organized and existing under the laws and constitution of the State of Oregon and is herein referred to as "the County."

RECITALS

WHEREAS, local jurisdictions, including the City and the County, must ensure the provision of the opportunity for recycling collection, as stipulated by ORS 459, for all areas inside the metropolitan urban growth boundary; and

WHEREAS, the County has adopted Resolution A which provides for the reduction of urban services delivered by the County; and

WHEREAS, the City has adopted an urban services policy which provides for the assumption by the City of urban service responsibilities in currently urban, unincorporated areas of the County by means of annexation or, on an interim basis, through alternative approaches (Resolution 33317); and

WHEREAS, the City and the County anticipate the City will soon annex substantially all of the urban unincorporated areas of the County within the City's Urban Services Boundary (Exhibit A); and

WHEREAS, the City and the County find that the most cost-effective and rational method for the delivery of urban services in urban, unincorporated areas is through full service City government; and

WHEREAS, the City and the County recognize that the long-term interests of each jurisdiction are best served through the full implementation of the City's urban services policy and the County's Resolution A; and

If the need for a type of service arises that is not now foreseen or specifically covered by this rate schedule, then the charge for such service shall be:

1. Uniform and non-discriminatory between customers of a collector;
2. Commensurate with the rates generally charged in the Portland Metropolitan Area;
3. Subject to the approval by the City of Portland.

As used in this Figure 6 the following terms have the meanings described below.

"Non-curb surcharge" is the charge for collection service provided beyond curbside.

"Excess distance/terrain adjustment" is applicable to any collection beyond seventy-five (75) feet from the curb.

"Container service" includes hauler-provided containers ranging from 1.0 cubic yards to 2.0 cubic yards.

"Can service" includes customer-provided containers that do not exceed 32 gallon capacity.

"Roll cart service" includes hauler-provided containers, with wheels, ranging from 35 gallon to 90 gallon capacity.

"Clean up containers" include hauler-provided containers, as defined above, which are provided as requested by the customer for occasional temporary use.

"Curbside" means a collection location that is within three (3) feet of the edge of the public street. The "street" may be a public alley, if the collector wishes to collect solid waste, recyclables or yard debris from the alley. The three foot rule excludes collection from the house side of a fence or enclosure even if the container is within three feet of the street/alley. For residences on a flag lot, or other private road or driveway, "curbside" shall be the point where the conveyance intersects the public street. Can placement shall not impede sidewalk access or passage.

"Residence" means any dwelling unit in the franchise territory that is in a four-plex or smaller, regardless of whether it has individual can, cart or container service.

"Multifamily" means any multidwelling building in the residential franchise territory that contains 2, 3, or 4 dwelling units.

WHEREAS, there are existing Agreements in effect between the City and the County which transfer the responsibility to the City for the provision of other urban services inside the Portland urban service boundary; and

WHEREAS, rules formulated by the State Department of Environmental Quality pursuant to ORS 459 (OAR 340-60), designate all unincorporated areas inside the City's urban services boundary to be within the Portland wasteshed (defined by OAR 340-60-010) as "an area of the State having a common solid waste disposal system or designated by the Commission as an appropriate area of the State within which to develop a common recycling program"); and

WHEREAS, due to imminent annexation of the unincorporated areas inside the City's urban service boundary, any program by the County to implement recycling collection service would only be an interim measure; and

WHEREAS, because annexations occur in an incremental and scattered manner, the most efficient and effective method for implementing recycling collection service is for the City to assume responsibility at once for all areas inside the urban service boundary; and

WHEREAS, the City has adopted a Recycling Plan that recommends entering into an intergovernmental agreement with the County "that links the two jurisdictions and transfers to the City the administration of and ability to assess fees for recycling collection service for unincorporated areas within the Portland wasteshed"; and

WHEREAS, ORS 190.010 and 190.030 provide for intergovernmental agreements between units of local government, including the City and the County, to allow the performance of functions or activities by one unit of local government for another; and

WHEREAS, ORS 459.065 acknowledges the broad intergovernmental cooperation authority found in ORS 190, and specifically authorizes joint city-county solid waste and recycling collection systems;

NOW, THEREFORE, in consideration of the mutual promises contained herein and pursuant to the provisions of ORS 190.010 - 190.030 and ORS 459.065, the City and County agree as follows:

#### SECTION 1: PURPOSE

The general purposes of this Agreement are:

- A. To provide for an integrated solid waste management system, and to allow for cooperation between the City and County in the joint effort necessary to achieve such a system.

EXHIBIT B  
PAGE 3 OF 5

- B. To ensure the provision of uniform and efficient recycling collection service for the entire Portland urban services area.
- C. To provide for an orderly transition of solid waste and recycling collection service responsibilities from the County to the City.
- D. To set forth the terms of the transfer of this urban service function in accordance with City and County Resolutions.

## SECTION II: TRANSFER OF FUNCTIONS

### A. Effective Date.

Transfer from the County to the City of the responsibilities described herein shall occur on September 18, 1986.

### B. Functions Transferred.

#### 1. The City agrees to:

- a. Assume responsibility for providing the "opportunity to recycle," as defined by ORS 459.165, for unincorporated areas inside the urban services boundary. Services will include ensuring the provision of curbside collection as well as a recycling promotion and education program, consistent with the requirements of ORS 459. Assumption of responsibilities is contingent upon Board of County Commissioners adoption of ordinances establishing compatible fee schedules and implementation requirements.
- b. Regulate solid waste collection in the unincorporated areas of Multnomah County inside Portland's urban services boundary, including the assessment and collection of fees to generate all revenue needed for Portland's planning, administration, and operation costs of recycling and solid waste collection programs in such areas.

#### 2. The County agrees to:

- a. Develop and submit to the Board of County Commissioners ordinances granting to the City the additional authorization required to carry out the intent of this Agreement.
- b. Cooperate with the City in the design and implementation of curbside collection service and the recycling promotion and education program within the unincorporated areas.

### C. Rights to Fees.

All revenue derived from fees assessed to haulers for operations within the unincorporated areas within the Portland watershed shall accrue to the City, for use in providing solid waste services.

EXHIBIT B  
PAGE 4 of 5

SECTION III: GENERAL TERMS

A. Separability.

If any section, subsection, clause or phrase of this Agreement is determined by any court or arbitrator of competent jurisdiction, to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remaining Agreement, which shall continue to be in effect.

B. Termination.

This Agreement shall continue indefinitely unless terminated upon six months written notice by either party.

C. Amendments.

This Agreement may be amended by mutual agreement of the parties.

IN WITNESS WHEREOF, the authorized representatives of the City and the County, as parties hereto, acting pursuant to the authority granted to them, have

HEREBY AGREED:

CITY OF PORTLAND

By *Dick Bogle*  
Dick Bogle  
Commissioner of Public Works

Date: 000

by *Jewel Lansing*  
Jewel Lansing, Auditor

APPROVED AS TO FORM

By *JE*  
Jeffrey L. Rogers  
City Attorney

MULTNOMAH COUNTY

By *Dennis Buchanan*  
Dennis Buchanan  
County Executive

Date: 9/23/86

By *Peter Kasting*  
Peter Kasting  
Assistant County Counsel

44:recy-agree

EXHIBIT B  
PAGE 5 of 5  
158894

## ORDINANCE NO.

Amend Title 17 of the City Code to revise solid waste and recycling collection rates and charges in accordance with the Extraordinary Rate Review recently completed. (Ordinance, amend Code Chapter 17.102)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 164701, passed October 2, 1991, granted residential solid waste, recycling and yard debris collection franchises in the City of Portland as a way to introduce services, standards and rates to encourage increased recovery of recyclable material from the wastestream.
2. Ordinance No. 164702, passed October 2, 1991, set the original rates for the franchised residential program based on a rate study prepared by the Bureau of Environmental Services.
3. Section 8 of the Franchise Agreement specifies that the City may initiate extraordinary rate review if it has reasonable cause to believe that the current rate schedule results in an average Operating Margin which either exceeds by 1% or more or is 1% or more below the Operating Margin defined in the Agreement. The purpose of this rate review is to evaluate the cost of providing required service, based on actual data on costs and management of operations.
4. Resolution 35489 passed by Council on January 31, 1996 called for an Extraordinary Rate Review in 1996.
5. Rate increases to cover costs of providing garbage and recycling service are partially offset by reductions in fees associated with decreases in the amount of garbage disposed, stable yard debris processing costs, and hauler collection efficiency.
6. Revenues received from the recycling markets for sale of recyclables are forecasted to be at lower levels for the upcoming fiscal year than provided in the current rate schedule.
7. The Mayor's Proposed Fiscal Year 1996-1998 Budget reflects an anticipated reduction in the residential solid waste and recycling franchise fee. Upon completion of the 1996 Extraordinary Rate Review, a 4.0% franchise fee is reflected in the rate schedule to further reduce ratepayer costs. The franchise fee will generate the revenues needed to support budgeted and projected Refuse Disposal Fund activities.

NOW, THEREFORE, the Council directs:

- a. The City Code Chapter 17.102 shall be amended by deleting the old Figure 6 and replacing it with the Figure 6 contained in Exhibit A.

Passed by the Council, May 29, 1996

Commissioner Mike Lindberg  
Susan Keil  
May 15, 1996

BARBARA CLARK  
Auditor of the City of Portland  
By

Deputy

(TB - C:\96RATES\RATES96.ORD)

EXHIBIT C  
PAGE 1 OF 5

## EXHIBIT A

**As used in Figure 6 the following terms have the meanings described below:**

"Excess distance" is applicable to any collection beyond seventy-five (75) feet from the curb. This charge is in addition to the "non-curb surcharge".

"Can service" includes customer-provided containers that do not exceed 34 gallon capacity.

"Clean up containers" include hauler-provided containers which are provided as requested by the customer for occasional or temporary use.

"Container service" includes hauler-provided containers ranging from 1.0 cubic yards to 2.0 cubic yards.

"Multifamily" means any multidwelling building or a combination of buildings on a single tax lot in the residential franchise territory that contains 2-4 dwelling units.

"Non-curb surcharge" is the charge for collection service provided at a location more distant than curbside.

"Rollcart service" includes hauler-provided containers, with wheels, ranging from 32 gallon to 90 gallon capacity.

"Terrain differential" is applicable to services within the territory designated on Figure 6-1.

[Figure 6-1 is not changed.]

**Portland City Code Chapter 17.102**

**FIGURE 6**

**Residential Solid Waste and Recycling Rates and Charges (Page 1)**  
(Effective July 1, 1996)

	Monthly Rate, Curbside Pickup	Per Unit or Per Pickup	Non-curb Surcharge	Excess Distance
<b>SERVICE LEVEL</b>				
<b>Weekly Pickup - Cans</b>				
Minican (20 gal.)	<del>14.50</del> 14.80		3.00	1.00
One 32-gallon	<del>17.20</del> 17.50		3.00	1.00
Two 32-gallon	26.30		6.00	2.00
Three 32-gallon	32.70		9.00	3.00
Four 32-gallon	38.95		12.00	4.00
<b>Weekly Pickup - Rollcarts</b>				
One 32-40 gallon	<del>18.30</del> 18.90			
Two 32-40 gallon	28.75			
Three 32-40 gallon	36.55			
Four 32-40 gallon	43.75			
One 60 gallon	22.85			
Two 60 gallon	33.50			
Three 60 gallon	43.35			
Four 60 gallon	53.80			
One 90 gallon	27.85			
Two 90 gallon	43.20			
Three 90 gallon	58.50			
Four 90 gallon	73.75			
<b>Weekly Pickup - Containers</b>				
One 1.0 cubic yard	62.20			
One 1.5 cubic yard	85.00			
One 2.0 cubic yard	108.00			
<b>SPECIAL SERVICES - Yard Debris</b>				
Yard Debris Rollcart (includes cart and every-other-week collection; one-year subscription required)				
60-gallon rollcart	3.45			
90-gallon rollcart	4.15			
Yard Debris -- Extra Can/Bag/Bundle		1.00		
<b>SPECIAL SERVICES - Recycling</b>				
Recycling only, weekly collection (no yard debris)	<del>3.15</del> 4.00			

**EXHIBIT**

C



**Residential Solid Waste and Recycling Rates and Charges (Page 2)**  
(Effective July 1, 1996)

	Monthly Rate, Curbside Pickup	Per Unit or Per Pickup	Non-curb Surcharge	Excess Distance
<b>SPECIAL SERVICES: Solid Waste</b>				
One 32-gal. can monthly (includes regular recycling and yard debris collection)	9.35 <u>9.95</u>		.75	.25
One 32-gal. can on-call (includes one recycling pickup; <del>no yard debris</del> ) includes garbage pickup only		<del>6.00</del> <u>5.50</u>	.75	.25
Occasional Extra (can or bag)		4.50	.75	
Clean up containers One 1.0 cu.yd. One 1.5 cu.yd. One 2.0 cu.yd		37.00 54.20 73.75		
<b>Multifamily Special Services</b> Recycling per extra unit (see small multiplex rate sheet)  Non-curb can pickup  Non-curb rollcart pickup			3.00/can  6.00/cart	1.00/can  1.00/cart
<b>MISCELLANEOUS</b>				
Tires Up to 18" on the rim Up to 18" off the rim		4.75 2.00		
Special Pickup or Callback		7.50		
Roll cart Delivery		10.00		
Terrain Differential (See Figure 6-1) Weekly Solid Waste Monthly Solid Waste Weekly Recycling Only	1.70 1.00 .60			

Residential Solid Waste and Recycling rates and charges include recycling services as outlined in City Administrative Rules. If the need for a type of service arises that is not now foreseen or specifically covered by this rate schedule, then the charge for such service shall be:

1. Uniform and nondiscriminatory between customers of a collector;
2. Commensurate with the rates generally charged in the Portland Metropolitan Area;
3. Subject to approval by the City of Portland, Bureau of Environmental Services Director.

Standard Curbside Monthly Rates -- Small Multiplexes  
Effective July 1, 1996

Weekly Collection for:	Duplex		Tri-plex		Four-plex	
Single container service, where can/cart/container is shared by residents of 2, 3 or 4 units.						
One shared 32-40 gallon rollcart	20.45	<u>21.35</u>				
One shared 60 gallon rollcart	25.00	<u>25.30</u>	27.15	<u>27.75</u>		
One shared 90 gallon rollcart	30.00	<u>30.30</u>	32.15	<u>32.75</u>	34.30	<u>35.20</u>
One shared 1 cu.yd. container	64.35	<u>64.65</u>	66.50	<u>67.10</u>	68.65	<u>69.55</u>
One shared 1.5 cu.yd. container	87.15	<u>87.45</u>	89.30	<u>89.90</u>	91.45	<u>92.35</u>
One shared 2 cu.yd. container	110.15	<u>110.45</u>	112.30	<u>112.90</u>	114.45	<u>115.35</u>
Multiple containers. These rates apply where all cans/carts are placed together in a single location. Where unshared cans/carts are located separately, then each is considered a separate account, charged at single-family rate.						
Two 32 gallon cans	28.45	<u>28.75</u>	30.60	<u>31.20</u>		
Three 32 gallon cans	34.85	<u>35.15</u>	37.00	<u>37.60</u>	39.15	<u>40.05</u>
Four 32 gallon cans	41.10	<u>41.40</u>	43.25	<u>43.85</u>	45.40	<u>46.30</u>
Two 32-40 gallon carts	30.90	<u>31.20</u>	33.05	<u>33.65</u>	35.20	<u>36.10</u>
Three 32-40 gallon carts	38.70	<u>39.00</u>	40.85	<u>41.45</u>	43.00	<u>43.90</u>
Four 32-40 gallon carts	45.90	<u>46.20</u>	48.05	<u>48.65</u>	50.20	<u>51.10</u>
Two 60 gallon carts	35.65	<u>35.95</u>	37.80	<u>38.40</u>	39.95	<u>40.85</u>
Three 60 gallon carts	45.50	<u>45.80</u>	47.65	<u>48.25</u>	49.80	<u>50.70</u>
Four 60 gallon carts	55.95	<u>56.25</u>	58.10	<u>58.70</u>	60.25	<u>61.15</u>
Two 90 gallon carts	45.35	<u>45.65</u>	47.50	<u>48.10</u>	49.65	<u>50.55</u>
Three 90 gallon carts	60.65	<u>60.95</u>	62.80	<u>63.40</u>	64.95	<u>65.85</u>
Four 90 gallon carts	75.90	<u>76.20</u>	78.05	<u>78.65</u>	80.20	<u>81.10</u>

Non-curbside service is available at small multiplexes for cans and rollcarts at an additional monthly charge of \$3 per can and \$6 per rollcart.

The terrain differential charge is applicable per account, rather than per unit, for services within the territory designated on Figure 6-1.

For yard debris services, extras accrue on a per account, rather than per unit, basis.